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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,476	04/26/2002	George D. Jamison	2036-003-03	1181

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GRAYBEAL, JACKSON, HALEY LLP  
155 - 108TH AVENUE NE  
SUITE 350  
BELLEVUE, WA 98004-5901

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,476

Applicant(s)

JAMISON ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the attachments strips being attachable to the side (claims 1, 10, 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims are 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with indefinite errors.

Regarding claim 1, "at least two of the top flaps" (line 5) is a double inclusion of the previously recited flaps.

It is unclear how the attachments strips being attachable to the side

In claims 16-19, applicant uses "an attachment strip" numerous times, this is double inclusion. Applicant should use "first", "second", etc. to distinguish from various attachment strips.

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In claim 17, the attachment strip on the top flap has already attached as set forth in claim 16. Is this the same attachment strip or a different one?

Applicant uses "another top flap" numerous times. It is unclear whether "another top flap" is one element or different elements.

In claims 16 and 20, "another top flap" has no antecedent basis. Applicant only defines two top flaps.

Applicant is reminded that the claim must be free of indefinite errors.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP10-310130, or in the alternative, over JP'130 in view of Curran (3341105). JP'130 teaches a box wherein two of the top flaps each has a tear strip as shown in 9. The attachment strips are glue strips 3. When the container is closed, the attachment strips are attached to the top flaps as claimed.

To the degree it is argued that the attachment strips are not on the top flaps, Curry it would have been obvious to one of ordinary skill in the art to provide the adhesive strip 27 on the top flap. It would have been obvious to one of ordinary skill in the art to provide the adhesive strips on the top flaps in JP'130 as taught by Curry to provide an alternative location for providing the attachment strips.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'130.

Regarding claim 2, Official Notice is taken that it is known to attach at least two adjacent sides by glue. It would have been obvious to one of ordinary skill in the art use glue to attach at least two adjacent sides to set up the container easily.

Regarding claims 2-4, it would have been obvious to one of ordinary skill in the art to make the container having a square interior in JP'130 to provide the desired dimension for the container.

8. Claims 1, 3-4 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Roccaforte et al. (5503328). Jensen teaches a box as shown in fig. 12 with a plurality of sides defining a box, and two top flaps 140. Jensen meets all claimed limitations except for an attachment strip and a tear strip. Roccaforte teaches that it is known in the art to provide an attachment system including a tear strip and an attachment strip as shown in Fig. 9. It would have been obvious to one of ordinary skill in the art to provide the tear strip and the attachment strip in Jensen as taught by Roccaforte to allow multiple use of the box.

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Regarding claims 3-4, it would have been obvious to one of ordinary skill in the art to form a square interior (defined by the square opening) in Jensen to provide the desired dimension of the container.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Roccaforte et al. (5503328), as set forth in paragraph 8, and further in view of Moore (2974854). Moore teaches that it is known in the art to provide adhesive flaps 44. It would have been obvious to one of ordinary skill in the art to provide an adhesive flaps to attach at least two sidewalls together in Jensen as taught by Moore to provide an corner structure for the container.

10. Claims 6, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Roccaforte et al. (5503328), as set forth in paragraph 8, and further in view of Giacovas. The combination of Jensen meets all claimed limitations except for the double tape. Giacovas teaches that it is known in the art to provide the double tape as shown in 1A. It would have been obvious to one of ordinary skill in the art to provide the double tape in the modified container of Jensen as taught by Giacovas to provide an alternative attachment means.

11. Claims 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felis (4750609) in view of Roccaforte. Felis teaches a container with four sidewalls. Felis meets all claimed limitations except for a closure with tear strips on first and second top flaps. It would have been obvious to one of ordinary skill in the art to provide the closure of Roccaforte in Felis to provide a multi-use mailing container.

12. Claims 1-4, 7-11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felis (4750609) in view of Roccaforte, as set forth in paragraph 11, and further in view of Moore. Moore teaches that it is known in the art to provide adhesive flaps 44. It would have

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been obvious to one of ordinary skill in the art to provide an adhesive flaps to attach at least two sidewalls of Felis together as taught by Moore to provide a better seal corner structure for the container.

It would have been obvious to one of ordinary skill in the art to make the container in a square interior shape to provide the dimension for the container.

*Conclusion*

13. In view of the 112 matters as set forth above, the allowability of claims 5, 12 and 19 can not be determined at this time.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai  
Examiner  
Art Unit 3727



November 24, 2002